

City of Fort Lauderdale Planning and Zoning Board
Case 12-Z-03

STAFF REPORT
September 17, 2003

Applicant	Calvary Chapel of Fort Lauderdale Inc.	
Request	Rezone from AIP (Airport Industrial Park) to CF (Community Facility)	
Location	2401 N.W. 62 Street.	
Legal Description	Vantage Industrial Park P.B. 89, P. 1 A portion of Parcel 'A'	
Property Size	124,257 sq. ft. or 2.8525 acres	
Zoning	AIP	
Existing Land Use	Commercial	
Future Land Use Designation	Employment Center	
Comprehensive Plan Consistency	Consistent with the goal to promote the distribution of land uses that will preserve and enhance the character of Fort Lauderdale by establishing land development guides designed to promote environmental protection, meet social and economic needs, provide adequate services and facilities, conserve natural resources and ensure compatibility of land uses. The application is also consistent in that the uses permitted in the proposed zoning district are permissible in the Employment Center Land Use Designation.	
Other Required Approvals	City Commission	
Applicable ULDR Sections	Sec 47-24.4 Rezoning	
Notification Requirements	Sign Notice and Mail Notice	
Action Required	Approve, Approve with conditions, or Deny	
Project Planner	Name and Title	Initials
	Kevin Erwin, Planner I	
	Chris Barton, AICP, RLA, Principal Planner	
Authorized By	Bruce Chatterton, AICP, Planning and Zoning Services Manager	
Approved By		

Background:

This application was previously on the August 20, 2003 Planning and Zoning Board Agenda and at the applicant's request was deferred to the September 17, 2003 meeting to allow time to consider the development of an avigation easement with the City. The City's Executive Airport Manager has raised concerns about possible conflicts with Airport operations and some of the uses permitted under the proposed CF zoning designation should the rezoning go forward without obtaining such an avigation easement over the applicant's property. The applicant has been working with Airport and City Attorney staff to develop the proper language to be contained in such an easement.

The primary concerns relate to the location of the areas proposed for rezoning and the relationship with the existing and future noise contours for the airport and the flight paths of the

aircraft that utilize the City's Executive Airport. The Airport Consultant's Noise Study is attached as **Exhibit 1** in the Memorandum for case 11-Z-03 on this agenda for your reference. You will also find the draft aviation easement language attached as a part of that report.

According to the consultant's report there are a number of uses permitted in the CF zoning designation that are not compatible with the existing aircraft noise levels, or would only be compatible with existing aircraft noise levels with acoustical treatment or other modifications to meet Noise Level Reduction guidelines suggested in FAR Part 150.

The applicant has agreed to work with City staff to finalize and execute the proposed easement before the rezoning becomes effective.

Request: This is a request to rezone 2.8525 acres from AIP (Airport Industrial Park) to CF (Community Facility). The existing Land Use Designation of the site is Employment Center. The Employment Center Land Use Category would permit a rezoning of the subject site to CF. The zoning pattern around the subject site is as follows:

Direction	Zoning	Land Use
North	RS-8	Low-Medium Residential
South	AIP	Employment Center
East	CF	Employment Center
West	AIP	Employment Center

The existing building on the site is currently vacant. The applicant, Calvary Chapel, proposes to convert the use of the building to office, storage and gymnasium use. These are all permitted accessory uses to a house of worship.

The applicant has provided a justification narrative explaining how this request meets the criteria of the Unified Land Development Regulations (ULDR), Section 47-24.4.D. (**Exhibit 2**). *Staff concurs with the applicant's assessment with the exception of criteria 47-24.4.D.3.*

*Criterion 3 states "The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses". As outlined in the consultant's report, many of the uses allowed in the CF zoning district would not be compatible with the adjacent airport due to noise contour and flight path issues. It is possible that the applicant can meet this criterion, should the applicant and staff come to an agreement on the necessary aviation easement language that will prohibit those uses in conflict. See **Exhibit 1** in the Memorandum for case 11-Z-03 on this agenda, which contains a complete list of the uses permitted in the CF zoning district.*

Comprehensive Plan Consistency:

As stated above the application is consistent with the comprehensive plan as follows:

Goal: To promote the distribution of land uses that will preserve and enhance the character of Fort Lauderdale by establishing land development guides designed to promote environmental protection, meet social and economic needs, provide adequate services and facilities, conserve natural resources and ensure compatibility of land uses.

The application is also consistent in that the uses permitted in the proposed zoning district are permissible in the Employment Center Land Use Designation.

Staff Determination:

Staff finds that this rezoning request meets criteria 1 and 2 for Rezoning as required by Sec 47-24.4, however they may not strictly meet criteria 3.

**Planning and Zoning
Board Review Options:**

If the planning and zoning board determines that the application meets the criteria as provided in this section, the planning and zoning board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.

If the planning and zoning board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the planning and zoning board shall deny the application and an appeal to the city commission may be filed by the applicant in accordance with Section 47-26B, Appeals.

Acting as the Local Planning Agency, the Board's motion should include a finding of compliance with the City's Comprehensive Plan and the criteria for rezoning.